FotoMedia Technologies, LLC v. AOL, LLC. et al Doc. 53

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FOTOMEDIA TECHNOLOGIES, LLC,	§	
	§	
Plaintiff,	§	**CIVIL ACTION NO. 2:07-cv-255-TJW**
	§	
v.	§	
	§	
AOL LLC, AMERICA ONLINE, INC., PHOTOBUCKET.COM, INC., SHUTTERFLY, INC., CNET NETWORKS, INC., AND YAHOO! INC.,	§	**JURY TRIAL DEMANDED**
	§	
Defendants.	§	

PLAINTIFF'S AGREED MOTION TO DISMISS AMERICA ONLINE, INC. WITHOUT PREJUDICE

Plaintiff FotoMedia Technologies, LLC ("FotoMedia") files Plaintiff's Agreed Motion to Dismiss America Online, Inc. Without Prejudice. Counsel for FotoMedia has conferred with counsel for America Online, Inc. regarding the substance of this Motion, and counsel for America Online, Inc. has agreed to Plaintiff's Agreed Motion to Dismiss America Online, Inc. Without Prejudice.

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, FotoMedia moves this Court to dismiss all claims alleged in the above-entitled cause by FotoMedia against America Online, Inc. without prejudice to re-filing of the same.

Austin 39727v2

Dockets.Justia.com

DATED: October 4, 2007.

Respectfully submitted,

McKOOL SMITH P.C.

By: _/s/ Mike McKool, Jr.____________

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ATTORNEYS FOR PLAINTIFF FOTOMEDIA TECHNOLOGIES, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all known counsel of record via the Court's ECF system on this the 4th day of October, 2007.

/s/ John Shumaker______________________
John M. Shumaker